

Notice of Allowability

Application No.

10/694,749

Applicant(s)

DETORO ET AL.

Examiner

Amanda F. Wieker

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment 8/25/05.
2. ☒ The allowed claim(s) is/are 1-7,9,10 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Henry Bennett
Supervisory Patent Examiner
Group 3700

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with R.C. Harpman on 28 September 2005.

The application has been amended as follows:

IN THE CLAIMS

At claim 1, line 10:

Delete the phrase "knee stabilization means overlying said knee" and replace it with the following phrase: --knee stabilization means adapted to overlie said knee--.

At claim 4, line 2:

Delete "apertures" and replace with --apertured--.

At claim 6, line 2:

Delete "contoured".

At claim 7, line 3:

Delete "reinforcement band" and replace it with: --reinforcement element--.

At claim 7, line 5:

Delete "reinforcement band" and replace it with: --reinforcement element--.

At claim 12, line 1:

Change the dependency from "claim 1" to --claim 6--.

Art Unit: 3743

At claim 12, line 3:

Delete "said" (first occurrence).

At claim 12, line 4:

Delete "said".

At claim 12, line 6:

Insert --engagement-- between "leg" and "plates".

Drawings

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Formal drawings are required incorporating the changes made in the 25 August 2005 amendment. Specifically, the amendment to Figure 2 adding reference indicators "M", "42", "42A", "43" must be submitted in formal form, as a Replacement Drawing Sheet. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Allowable Subject Matter

3. Claims 1-7, 9-10 and 12 are allowed.

4. The following is an examiner's statement of reasons for allowance: The relevant prior art does not disclose or fairly suggest the claimed knee brace comprising rigid upper and lower engagement plates positioned at the posterior face of the leg, a locking hinge at the posterior face of the leg, and a knee stabilization means positioned over the knee and connected to the upper and lower engagement plates by retaining straps.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

Art Unit: 3743

issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Amanda F. Wieker** whose telephone number is **571-272-4794**.

The examiner can normally be reached on **Monday-Thursday, 7:30 - 5:00 and alternate Fridays**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

afw
afw

Amanda F. Wieker
Examiner
Art Unit 3743


Henry Bennett
Supervisory Patent Examiner
Group 3700